REMARKS

I.   INTRODUCTION

Claims 1-9 are pending in the present application. In view of the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

Applicants thank the Examiner for the withdrawal of the rejection under 35 U.S.C. § 101.

II.   THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claims 1-3, 6, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakajima et al. (U.S. Patent No. 6,008,806) in view of Salmimaa et al. (U.S. Published App. No. 2002/0160817).

Nakajima relates to an operating system with extensions in which capabilities are extended for a shell of the operating system such as adding menu items to context menus for objects that are visible within an integrated system name space. (See Nakajima, abstract). Specifically, Nakajima discloses that when a user makes a request, a database is accessed to obtain configuration information about a context menu handler which is invoked to add menu items to a context menu of an object. (See Nakajima, col. 2, l. 2-10).

Salmimaa relates to an apparatus and method for displaying a plurality of icons on the display of a mobile terminal. One or more characteristics associated with each icon are compared to one or more context values such as time of day, geographic area, or user profile characteristics. Depending upon the comparison, the icons are represented in a display format larger than other icons. (See Salmimaa, abstract).

Claim 1 recites "[a] method of presenting a plurality of items, comprising the steps of: enabling a user to select an item in a selection context, a selection context

representation representing the selection context, the selection context representation including at least a parameter indicating a geographical area; associating said item with said selection context representation; and presenting a plurality of items including said item in a presentation context in dependence upon a relation between a presentation context representation representing the presentation context and said selection context representation, the presentation context representation including at least a parameter indicating a geographical area.

The Examiner rejects claim 1 using Nakajima for most of the recitations, but correctly acknowledges that Nakajima fails to disclose or suggest both the recitation of "the selection context representation including at least a parameter indicating a geographic area" and the recitation of "the presentation context representation including at least a parameter indicating a geographic area," as recited in claim 1. (*See 3/30/10 Office Action*, p. 8). To cure this deficiency, the Examiner relies on Salmimaa. The Examiner refers to two aspects of Salmimaa. The first deals with the enlargement of icons in relation to other icons in dependence on "dynamically changed information, such as a current location of the user so that the user moved to a different geographic area, different icons are enlarged on the display device."(*See Id.*, p. 5, referring to Salmimaa Abstract). The second aspect of Salmimaa to which the Examiner refers is the two display modes for the arrangement of the icons, one in rows and columns and the other on one side of the display."(*See Id.*, p. 5, referring to Salmimaa ¶ [0005]).

Salmimaa does not include any discussion of a selection context. The entirety of Salmimaa is directed at displaying icons based on a context value. The Examiner states this repeatedly throughout the Office Action. (*See, e.g. Id.* at pp. 5-6). The context value of Salmimaa may be weighted based on the geographical location of the device. However, what is completely missing from any discussion within Salmimaa is the discussion of a selection context. That is, neither the context value nor the display of the icons has any relationship with a selection context. Specifically, Salmimaa discloses that the icons are received by the mobile device based on messages transmitted by entities associated with the icon. (*See, e.g.*, Salmimaa, ¶ [0027] and [0035]- [0037]). From this

discussion in Salminaa it is clear that a selection context plays no part in the display of icons in Saminaa. Accordingly, Salmimaa fails to disclose or suggest "the selection context representation including at least a parameter indicating a geographic area" because there is no selection context in Salmimaa.

Moreover, the Applicants respectfully submit that neither Salmimaa nor Nakajima provide any motivation for modifying the system of either reference to result in the recitation of "enabling a user to select an item in a selection context, a selection context representation representing the selection context, the selection context representation including at least a parameter indicating a geographical area." Nakajima discusses creating a context menu based on user selection of verbs. (*See,* Nakajima, col. 7, line 29 – col. 9, line 9). However, as admitted by the Examiner, Nakajima never discusses geographic location with respect to the user selection of the verbs. In addition, Nakajima does not discuss any parameters with respect to the user selection of the verbs for the context menu. The entirety of the context menu is based on the user selection. There is no other parameter that is relevant to the context menu. Thus, there is no suggestion within Nakajima to modify the context menu based on any parameter, let alone a geographical parameter. Similarly, as described in detail above, Salminaa never discusses a selection context. Thus, Applicants dispute the Examiner's contention that "it would have been obvious to one [of] ordinary skill in the art at the time the invention was made to combine Salmimaa's method of adding geographical location within Nakajima's extensible menu." (*See 3/30/10 Office Action,* pp. 8-9). Contrary to the Examiner's assertions, Nakajima includes no suggestion that using a parameter such as geographical location would enhance the context menus and Salmimaa includes no suggestion that a context selection is used. Thus, Applicants respectfully submit that if the Examiner maintains the present rejections, the Examiner should specifically state what the motivation to combine is, because as described above, Applicants fail to see how one skilled in the art would combine these references.

Accordingly, Applicants respectfully submit that neither Nakajima nor Salmimaa, either alone or in combination, disclose or suggest "enabling a user to select an item in a

selection context, a selection context representation representing the selection context, the selection context representation including at least a parameter indicating a geographical area," as recited in claim 1. Therefore, the 35 U.S.C. § 103(a) rejections of claim 1 and its dependent claims 2, 3, and 6 should be withdrawn.

Claim 8 recites "A computer storage means including a program executable by a processor of enabling a programmable device to carry out a method as claimed in claim 1." Thus, it is respectfully submitted that the rejection of claim 8 should be withdrawn for at least the reasons discussed above with reference to claim 1.

Claim 9 recites "a selection means for enabling a user to select an item in a selection context, a selection context representation representing the selection context, the selection context representation including at least a parameter indicating a geographical area." Thus, it is respectfully submitted that the rejection of claim 9 should be withdrawn for at least the reasons discussed above with reference to claim 1.

Claims 4, 5, and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nakajima in view of Salmimaa in further view of Roth (U.S. Pat. Pub. No. 2001/0019338).

Applicants respectfully submit that Roth fails to cure the deficiencies of Salmimaa discussed above and that Nakajima, Salmimaa, and Roth, taken alone or in any combination, fail to disclose or suggest "enabling a user to select an item in a selection context, a selection context representation representing the selection context, the selection context representation including at least a parameter indicating a geographical area," as recited in claim 1. Because claims 4, 5, and 7 depend from and, therefore, contain all of the limitations of claim 1, it is respectfully submitted that the rejection of these claims should also be withdrawn.
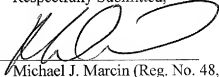
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application are believed to be in condition for allowance. If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully Submitted,

Dated: June 1, 2010   By: _____
                                           Michael J. Marcin (Reg. No. 48,198)

                                       Fay Kaplun & Marcin, LLP
                                       150 Broadway, Suite 702
                                       New York, NY 10038
                                       Phone: 212-619-6000
                                       Fax: 212-619-0276

Mail all correspondence to:
Kevin C. Ecker, Esq.
Senior IP Counsel
Philips Electronics North America Corp.
P.O. Box 3001
Briarcliff Manor, New York 10510-8001
Phone: (914) 333-9618